

- 6 -

Pat App No: 10/688,269 - MAA, Shalong
Reply under 37CFR1.116 -Expedited Procedure-TC 2100

PART II. REMARKS

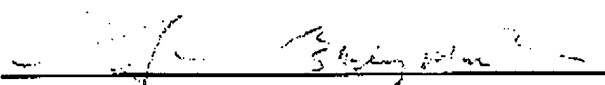
(Applicant's Showing of Good and Sufficient Reason Under 37C.F.R. § 1.116(b)(3))

With respect to the present amendment paper, Applicant's showing of good and sufficient reason under 37C.F.R. § 1.116(b)(3) is as follows:

The foregoing amendments were made by adopting the Examiner's suggestions made during the aforementioned telephone interview conducted on 11 July 2008, which was after the Final Office Action dated 09 July 2008. Therefore, the amendments could not be presented before the Final Office Action. According to the final outcome of the telephone interview and the follow-up email communications between the Examiners and Applicant, the foregoing amendments are sufficient to overcome the prior art references cited in the Examiner's §102 anticipation rejections. Therefore, the amendment is necessary to adequately advance the prosecution of the Application with a shortest path to the final disposition of the Application. Applicant's STATEMENT OF SUBSTANCE OF INTERVIEW is attached hereto.

Respectfully Submitted

SIGNED ON: 15 July 2008


BY: Shalong Maa, Ph.D. *Pro Se* Applicant
P.O. Box 600118,
Dallas, TX 75360-0118
sm2k@yahoo.com; (214) 228-8679

Claim= 1,169; 6,500
Tw= 1,556; 8,724

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 15 2008

In re Application of: Shalong Maa, Ph.D.

Application No.: 10/688,269

Filing Date: 10-20-2003

Confirmation No.: 3782

Art Unit: 2174

Examiner: BELOUSOV, ANDREY

Title: "COMPUTER REMOTE CONTROL"

**TO: Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Fax: (571) 273-8300

Dear Sir:

APPLICANT'S STATEMENT OF SUBSTANCE OF INTERVIEW

With respect to the above-captioned patent Application and to the Final Office Action dated 09 July 2008, a Telephone Interview, initiated by the undersigned *pro se* Applicant (via Phone No. (571) 270-1695), was conducted between the Examiner Andrey Belousov (the "Examiner") and the Applicant Shalong Maa. The time of the Interview was 2:00pm EST (1:00 pm CT) on Friday, 11 July 2008. The Interview was pre-scheduled by telephone and emails. The participants of the Interview also included the Primary Examiner Steven Sax in addition to the Examiner and the Applicant. The Interview was followed by email communications between Applicant and the Examiner, since the parties did not complete the Interview on Friday, 11 July 2008. Applicant's Statement of Substance of the Interview is as follows:

(A) Exhibit/Demonstration Shown or Conducted

There was no demonstration conducted during the Interview. The issues desired by Applicant to be discussed during the Interview were included emails sent to the Examiners in advance on 10 and 11 July, 2008. The Interview was essentially conducted following the arguments enlisted in the emails. The EXHIBIT attached hereto includes copies of these emails.

(B) Claims Discussed

The claims discussed during the Interview include Claims 61 and 82.

(C) Prior Art Discussed

The prior art discussed during the Interview includes U.S. Pat. No. 5,959,621 issued to NAWAZ *et al.* and U.S. Pat. No. 6,216,141 issued to STRAUB *et al.*, the primary references cited in the Final Office Action.

(D) Proposed Amendment

The proposed amendments to Claims 61 and 82 were revised several times before and after the Telephone Interview. The amendments were focused on the content of the "live information" and on providing more information about what kind of "live information" is to be presented on the client desktop and how is that related to the user's online account. The final version of the proposed amendments to Claims 61 and 82, which was sent to the Examiner on 14 July 2008, is as follows:

Cancel the last sentence of "said live information being associated with an online account of said user"; and (ii) replace it with the following new limitation:

said user being subscribed to and thus being a subscriber of an online service;

said live information data being originated by said online service;

said online service providing each one of its subscribers with at least one service of facilitating an online activity of or performance of action by, or of collecting or recording information related to an offline activity of or performance of action by said each one of its subscribers;

said live information comprising a plurality of live-information units or pages that are to be displayed either sequentially or simultaneously within said live component;
each one of said live-information units or pages including said user's personal information associated with said at least one service and being updated regularly based on a predetermined update schedule such that display of said each one of said live-information units or pages within said live component shall service the purpose of giving said user updated information related to said user's subscription or to said at least one service provided to said user by said online service that is personal to said user.

(E) General Thrust of Principle Argument

Again, Applicant's arguments presented during the Interview were included in the emails sent to the Examiners in advance. Copies of the emails are included in the EXHIBITS hereto. Applicant's focal point of arguments is that, the content of the "live information" displayed on the desktop includes user's personal information related to the associated online service, and is different from that of the prior art references. The Examiners suggested that claim language needs to provide more information about what kind of "live information" is to be presented on the client desktop and how is that related to the user's online account.

(F) Other Pertinent Matter Discussed

NONE.

(G) Outcome of Interview

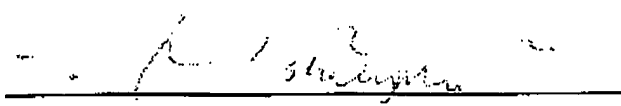
The Examiner agrees that the final version of the proposed amendments would likely overcome the prior art references cited in the Examiner's §102 anticipation rejections; But further consideration and searches would be needed

(H) Email

A copy of the email communications relating to the Interview is included in the EXHIBIT attached hereto.

Respectfully Submitted

SIGNED ON: 15 July 2008

BY: 
Shalong Maa, Ph.D. Pro Se Applicant
P.O. Box 600118,
Dallas, TX 75360-0118
sm2k@yahoo.com; (214) 228-8679

EXHIBIT

(Copies of email communication relating to the Interview between Applicant and the Examiner)



Tuesday, July 15, 2008 5:11 PM

Pat. App. No. 10/688,269

From: "Shalong Maa Ph.D." <sm2k@yahoo.com>

To: "Belousov, Andrew" <Andrew.Belousov@USPTO.GOV>

Mr Belousov:

I just want to let you know that I've done something foolish; I directed all the Reply to my email to another mailbox, but I forgot about it. So I actually did not read any of your email reply until just now, which is why the proposed amendment did not follow the suggestions in one of your email. As for your latest comment, I will file a Amendments/Reply under 37CFR1.116. It's not necessary to reply this email.

Thanks

shalong

Subject RE: Pat. App. No. 10/688,269 -- Amendment in response to interview
Sent Date 07-15-2008 10:36:41 AM
From "Belousov, Andrew" <Andrew.Belousov@USPTO.GOV>
To sm2k2006@lycos.com

Dr. Maa,

- (1) said user being subscribed to and thus being a subscriber of an online service;
- (2) said live information data being originated by said online service;
- (3) said online service providing each one of its subscribers with at least one service of facilitating an online activity of or performance of action by, or of collecting or recording information related to an offline activity of or performance of action by said each one of its subscribers;
- (4) said live information comprising a plurality of live-information units or pages that are to be displayed either sequentially or simultaneously within said live component;
- (5) each one of said live-information units or pages including said user's personal information associated with said at least one service and being updated regularly based on a predetermined update schedule such that display of said each one of said live-information units or pages within said live component shall serve the purpose of giving said user updated information related to said user's subscription or to said at least one service provided to said user by said online service that is personal to said user.

Limitations 1-4 are readily found in the references cited. Limitation 5 appears to be on the right track having substance, and would likely overcome a 102 rejection, as I don't recall such feature in the art cited. Further consideration and search would be required though.

Regards,

-Andrew B.

-----Original Message-----

From: Shalong Maa Ph.D. [mailto:sm2k@yahoo.com]
Sent: Monday, July 14, 2008 8:43 PM
To: Belousov, Andrew
Subject: Pat. App. No. 10/688,269 -- Amendment in response to interview

Mr. Belousov:

Here is the latest update of the proposed Claim 82, again with minor modification. Again, I am just trying real hard to try to comply with the suggestions by you and Mr. Sax.

Claim 82. (Currently Amended)

A computer readable medium storing a computer processing instruction system adopted to be used in a multi-purpose computer system,
said multi-purpose computer system including,
a processor for processing said computer processing instruction system,
a network connection device coupled to said processor for facilitating communication between said computer system and an electronic network, and
a display device coupled to said processor for displaying a computer display including a default desktop display, said computer display including a full default display mode for fully displaying said default desktop display;

said user being subscribed to and thus being a subscriber of an online service;
said live information data being originated by said online service;
said online service providing each one of its subscribers with at least one service of facilitating an online activity or of performance of action by, or of collecting or recording information related to an offline activity of or performance of action by said each one of its subscribers;
said live information comprising a plurality of live-information units or pages that are to be displayed either sequentially or simultaneously within said live component;
each one of said live-information units or pages including said user's personal information associated with said at least one service and being updated regularly based on a predetermined update schedule such that display of said each one of said live-information units or pages within said live component shall serve the purpose of giving said user updated information related to said user's subscription or to said at least one service provided to said user by said online service that is personal to said user"

Shalong

http://mail.lycos.com/lycos/mail/ViewMail?&type=print&imgview=1&MSGID=000000000000005... 7/15/2008

I am not convinced that the latest proposed amendments to claims 61 and 82 place them in condition for allowance. I had merely indicated that it appears that the latest proposed amendments (limitation 5) may overcome the cited prior art, though further search and consideration is necessary, such as, other new art or possible 103 grounds of rejections. If both of the independent claims share parallel limitations then the such would be treated in like manner. As for the dependent claims, 92, 94, and 100 they stand and fall with the respective claims they depend on.

-----Original Message-----

-----Original Message-----
From: Shalong Maa Ph.D. [mailto:sm2k@yahoo.com]
Sent: Tuesday, July 15, 2008 2:36 PM
To: Belousov, Andrew
Cc: sm2k@yahoo.com
Subject: Pat. App. No. 10/688,269 -- amendments / All Claims

If you are convinced that the latest proposal of amendments to Claims 61 and 82 (sent to you around 7:00pm CT) will place them in condition for allowance, please let me know your opinion on other Claims (Claims 63, 92, 94, and 100) so that I will know how to file a formal Proposed Amendments under 37CFR § 1.116.

Shalong

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Subject RE: Pat. App. No. 10/688,269 -- amendment in response to interview
Sent Date 07-14-2008 1:03:07 PM
From "Belousov, Andrew" <Andrew.Belousov@USPTO.GOV>
To sm2k2006@lycos.com

Dr. Maa,

For starters and for readability sake, could you replace all "said" with "the", and also, you have a prior antecedent problem with "said online service", also, later on you refer to it as "an online service" but should be "the online service". Also, when starting after a semicolon, you should initiate it with "wherein". Such as to begin the proposed amendment: "wherein the live information data ..." and then "wherein the user being subscribed ...". And then break down each "wherein" into tabs so it doesn't come off as one large wall of text. Besides the formalities, it appears to be going in the right direction now. I'll take a look at it after you fix the above stated issues.

Regards,

-Andrew B.

-----Original Message-----

From: Shalong Maa Ph.D. [mailto:sm2k@yahoo.com]
Sent: Monday, July 14, 2008 12:44 PM
To: Belousov, Andrew
Subject: Pat. App. No. 10/688,269 -- amendment in response to interview

Mr. Belousov:

Please excuse me that I have changed my mind a little. I am just trying real hard to try to comply with the suggestions made by you and Mr. Sax. I would like to further modify the amendments proposed in the previous email sent to you earlier this morning (basically with more limitations) as follows:

(i) Again cancel the last sentence of "said live information being associated with an online account of said user"; and (ii) replace it with the following new limitation:

"said live information data being originated by said online service; said user being subscribed to and thus being a subscriber of an online service; said online service providing each one of its subscribers with at least one service of facilitating an online activity of or performance of action by, or of collecting or recording information related to an offline activity of or performance of action by said each one of its subscribers; said live information comprising a plurality of live-information units or pages that are to be displayed either sequentially or simultaneously within said live component; each one of said live-information units or pages including said user's personal information associated with said subscription and said online service such that display of said each one of said live-information units or pages within said live component shall service the purpose of giving said user personal information related to said user's subscription and to said at lease one service provided to said user by said online service."

The arguments or explanations will be the same as the ones included in the previous email sent to you this morning. I will try to contact you by phone before end of the day to see if you need me to explain it to you.

Again, thanks for the consideration.

Shalong
(214) 228-8679
sm2k@yahoo.com

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"Said user being subscribed to and thus being a subscriber of an online service;
said online service providing each one of its subscribers with at least one service of
(1) facilitating an online activity of or performance of action by, or of
(2) collecting or recording information related to an offline activity of or
(3) performance of action
by said each one of its subscribers;
said live information data being originated by said online service; said
live information's content being related to said least one service"

Did I break down the "at least one service" correctly? If so, the wording is just as broad as the previous proposed amendment, and would not overcome the cited prior art. It is enough that the prior art discloses just one of the 3 services listed above. Given that, choice (1) "facilitating an online activity of said each one of its subscribers" is just as broad as the "in connection" wording of previous proposed amendment.

-Andrew B.

From: Shalong Maa Ph.D. [mailto:sm2k@yahoo.com]
Sent: Monday, July 14, 2008 10:02 AM
To: Belousov, Andrew
Subject: Pat. App. No. 10/688,269 -- amendments in response to interview

Thank you and Mr. Sax for the suggestions of amendment during the interview last Friday. Based on such suggestions, I would like to propose amendment to Claims 61 and 82 as follows:

(i) Cancel the last sentence of "said live information being associated with an online account of said user"; and (ii) replace it with the following new limitation:

"Said user being subscribed to and thus being a subscriber of an online service; said online service providing each one of its subscribers with at least one service of facilitating an online activity of or performance of action by, or of collecting or recording information related to an offline activity of or performance of action by said each one of its subscribers; said live information data being originated by said online service; said live information's content being related to said least one service"

As suggested by you and Mr. Sax, the claim language needs to provide more information about what kind of "live information" is to be presented on the client desktop and how is that related to the user's

online account (or more detail on "connection" between the live information and the user's online account). Accordingly, the foregoing new limitation is intended to focus on the "CONTENT" of the "live information". In particular, the new claim language requires that the "CONTENT" of the "live information" be *related* to the *subscriber-account related online service*, or to the subscriber's activities associated with such online service.

In the example of finance-related online account, such as a credit-card account, the subscriber's activities may be making online or offline purchases, or checking account balance online; And the "CONTENT" of the "live information" transmitted from the server to the client computer may be account balance or bill-payment deadline alert, etc., which is directly related to the online service or subscriber activity.

IN CONTRAST: in NAWAZ/STRAUB, the "user-account" related service provided by the "smart server" (or "default server", STRAUB FIG. 8:228/232) is to facilitate the user's activity of customization of channel guide or channel arrangement (see in STRAUB, 11:52-59, 11:29-51, 14:48-54, FIG. 9, FIG. 5:144). HOWEVER, the channel arrangement or the channel bar 144 of FIG. 5 in STRAUB is *NOT* part of the "live information" (FIG. 5:142), because once the channel guide is established, the user will not use the channel guide service provided by the smart server 228/232 anymore; STRAUB:14:48-54. The CONTENT of the live information, such as sports, business, entertainment, etc., (in STRAUB, 8:20-23, FIG. 5:142; in NAWAZ, 9:9-14, 9:43-46, FIG. 3:140, 154) is obviously *NOT* related to the user's activity of selecting channels.

Another way to look at this is, the channel guide service provided by the smart server 228/232 in STRAUB, i.e., the user-account related service, and the CONTENT service provided by a content provider are two *SEPARATE* services; In STRAUB, 14:48-52, 3:18-26, whereas in the claimed invention, the CONTENT of the "live information" and the subscriber-account related online service are provided by the *SAME* entity.

Therefore, the new claim limitation proposed make it readily clear as to how the CONTENT of the live information is related to the subscriber-account related online service and how it is different from that of STRAUB/NAWAZ.

If you need me to explain the foregoing to you on the phone, please call me at anytime. If you think the newly proposed amendment is sufficient to overcome STRAUB/NAWAZ, please send me a brief reply to this email at your earliest convenience.

Thanks for the consideration.

Shalong
(214) 228-8679
sm2k@yahoo.com

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App. No. 10/688,269 // more arguments, Interview Tomorrow 2:00pm [EST]

Friday, July 11, 2008 8:26 AM

From: "Shalong Maa Ph.D." <sm2k@yahoo.com>

To: "Belousov, Andrew" <Andrew.Belousov@USPTO.GOV>

Mr. Belousov:

I forgot to comment on the Final Office Action in the previous email regarding my arguments:

On page 3 sub-paragraph h in the Final Action, FIG. 13:228, 232 in NAWAZ et al. are referred to, which figure is the same as FIG. 8 in STRAUB et al. The descriptions of such figure are only found in STRAUB et al., according to which the "smart server" 228 and the static server 230 are both referred to as a "Default Server" that is to be used for providing the "Channel Guide", 11:29-59. HOWEVER, the Default Server is ONLY accessed when the user changes the customization option (i.e., arrangement of the channels that provides contents within the viewer 140), 14:48-54. Thus this Smart Server 228/232 is not related to "live information" or the contents within the viewer 140 of FIG. 5.

Please excuse me for such a late email. Thanks.

Shalong



App. No. 10/688,269 // Interview Tomorrow 2:00pm [EST]

From: "Shalong Maa Ph.D." <sm2k@yahoo.com>

To: "Belousov, Andrew" <Andrew.Belousov@USPTO.GOV>

Mr. Belousov:

I would like to confirm that the telephone interview will be tomorrow (Friday, 11 July, 2008) at 2:00pm EST, or 1:00pm CT. I will initiate the call (571)-270-1695.

AS for my arguments to be presented during the interview, with respect to Claims 61 and 82, I would like to modify the claim limitation of "said live information being associated with an online account of said user" (i.e., delete this sentence and add the following) as follows:

"said user being subscribed to an online service and having an online account in connection therewith; said live information data being provided and originated by said online service in connection with said online account of said user"

The arguments are as follows:

(A) Such a new limitation requires that the live information on the desktop (i) is created or originated by the "online service" (or by a server), NOT by a client computer, and (ii) is created in connection with the user's online account;

(B) IN NAWAZ et al., the live information on the desktop may either (i) be "posted" by another user from a CLIENT COMPUTER 186 (see 10:16-28, FIG.4:186, 194), in which case the live information is created by a user on a client computer, NOT by the online service provider, OR (ii) be received from an "Internet Content Provider" (see 12:44-65; 13:9-22; FIG.7:256, 258, 260; FIG.3:152, 154 ... and in STRAUB et al., FIG. 5), in which case the live information 152, 154 ... (news, sports, etc.) is NOT CREATED IN CONNECTION WITH THE USER'S ONLINE ACCOUNT.

Thanks.

Sincerely,
Shalong Maa, Ph.D., pro se Applicant
sm2k@yahoo.com
(214) 228-8679



App No. 10/688,269, Interview

Wednesday, July 9, 2008 1:48 PM

From: "Shalong Maa Ph.D." <sm2k@yahoo.com>

To: "Belousov, Andrew" <Andrew.Belousov@USPTO.GOV>

Mr. Belousov:

I saw the Final Rejections on the PAIR system. Thanks. As I mentioned on the phone, I would like to schedule another telephone interview. The issue I would like to discuss during the interview is related to the previously presented Claim limitation of "said live information being associated with an online account of said user" in Claims 61 and 82. The interview will be about 30 minutes.

You mentioned that tomorrow would not be OK. So I tentatively propose this coming Friday (11 July 2008) at 9:30 EST (8:30 CT). If this is too soon, then I would suggest next Monday (14 July 2008) at 9:30 EST (8:30 CT). So please reply and let me know which time is good. In fact any time after tomorrow and anytime during the day would be OK with me. I just prefer it ASAP.

I will email you the arguments I would like to present during the Interview tomorrow, since I need a little more time to look at this new reference, US 6,216,414, cited in the Final Rejection.

Thanks.

Sincerely,
Shalong Maa, Ph.D., pro se Applicant
sm2k@yahoo.com
(214) 228-8679

Subject RE: Pat. App. No. 10/688,269 -- second Office Action
Sent Date 06-12-2008 2:04:06 PM
From "Belousov, Andrew" <Andrew.Belousov@USPTO.GOV>
To sm2k2006@lycos.com

Mr. Maa,

A response for application 10/688,269 should be sent out within the next 3 weeks (plus processing and delivery.)

Regards,

-Andrew Belousov

-----Original Message-----

From: Shalong Maa Ph.D. [mailto:sm2k@yahoo.com]
Sent: Thursday, June 12, 2008 2:00 PM
To: Belousov, Andrew
Subject: Pat. App. No. 10/688,269 -- second Office Action

Mr. BELOUSOV:

My Amendment/Reply to the first (non-final) Office Action was filed more than two and half months ago (on 26 March 2008), but I have not yet received the second Office Action. I know that the Office usually mails out the second Office Action within about two months after receiving Applicant's REPLY to the 1st (non-final) Office Action. So could you please let me know when the second Office Action will be mailed out? I would appreciate it very much.

Thanks.

Shalong Maa, Ph.D. Pro Se Applicant
sm2k@yahoo.com

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Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

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